

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS URENA,

Petitioner,

-v-

UNITED STATES,

Respondent.

18 Civ. 9995 (PAE)  
11 Cr. 1032-4 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter (“Urena Letter”) from petitioner Carlos Urena acknowledging receipt of the Government’s opposition to his § 2255 motion. The letter indicates that Urena has not yet received a copy of the Government’s opposition, Dkt. 30, and requests additional time to reply.

In their respective submissions, both Urena and the Government rely on the Second Circuit’s decision in *United States v. Scott*, 954 F.3d 74 (2d Cir. 2020), in which the Second Circuit held that “New York first-degree manslaughter is not a predicate crime of violence because it can be committed by complete inaction and therefore without the use of force[.]” *Id.* at 78; *see also* Dkts. 25 (“Urena Mem.”), 30 (“Gov. Opp.”). However, the Court understands the Government has moved for *en banc* reconsideration of the decision in *Scott*. *See* Gov. Opp. at 3. Accordingly, the Court will stay all further briefing on Urena’s motion pending the *en banc* decision.

The Clerk of Court is respectfully directed to mail a copy of this order and the Government’s opposition at docket 13 to Urena, who is currently housed at the United States Penitentiary Allenwood in Pennsylvania.

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a large, stylized "P" and "E".

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PAUL A. ENGELMAYER  
United States District Judge

Dated: November 6, 2020  
New York, New York